

FISCAL NOTE

HB 58

April 4, 2007

SUMMARY OF BILL: Increases the penalty for domestic assault from a Class A misdemeanor to a Class E felony if a person intentionally, knowingly or recklessly causes bodily injury or causes another to fear imminent bodily injury. Increases the penalty from a Class B misdemeanor to a Class A misdemeanor if a person intentionally or knowingly causes physical contact that would be regarded as extremely offensive or provocative.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$6,242,900 / Incarceration*
Increase State Revenues – Not Significant

Increase Local Govt. Revenues – \$37,500
Increase Local Govt. Expenditures – Not Significant

Assumptions:

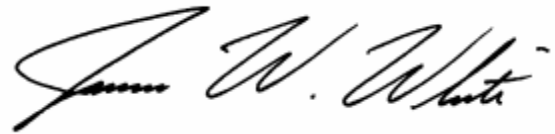
- According to the Administrative Office of the Courts, in FY06, there were 680 convictions for domestic assault in state trial courts. This estimate assumes there would be 1,700 (680 x 2.5) in all courts. The Department of Correction (DOC) assumes 50% of these (850) would be sentenced as Class A or B misdemeanors and would receive probation. The remaining 850 would be sentenced as Class E felonies and would serve 0.3 years.
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- 850 Class E felony offenses in the first year. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in 97 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 947 offenders serving 0.3 years (109.58 days). The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional operating cost for 947 offenders is \$6,242,936.51 (\$6,592.33 x 947).
- Estimate assumes 75 Class B misdemeanor offenses would be elevated to Class A misdemeanors. Assume an average \$500 increase in fines would result in \$37,500 increase in revenues for local governments.

- There will not be a sufficient additional number of misdemeanor prosecutions for local governments to experience any significant increase in expenses or for state government to experience any significant increase in revenues.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director